

State of New York, County of Bronx  
Civil Court of the City of New York Civil Part

Novick, Edelstein, Lubell, Reissman, Wasserman &  
Leventhal, P.C.

Plaintiff(s)

-against-

Millington Rosemary

Defendant(s)

Index Number: CV-042539-11/BX

**SUBPOENA TO TESTIFY**

Requested by:

Millington Rosemary  
532 Morris Park Avenue  
Apt 2  
Bronx, New York 10460

**THE PEOPLE OF THE STATE OF NEW YORK**

To: Mabel Garcia

We Command that you lay aside all business and excuses and appear and attend before the Honorable Judge presiding at the Civil Court of the City of New York County of Bronx located at 851 Grand Concourse, Bronx, New York 10451 September 25, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM or such other time as this case may be adjourned [CPLR 2305(a)], to testify and give evidence in the action now pending in this Court, to be tried between the parties indicated above, on the part of Millington Rosemary.

Failure to comply with a subpoena may be punishable as contempt of court and/or make you liable for a penalty not exceeding ONE HUNDRED FIFTY DOLLARS (\$150.00) and damages sustained by the person on whose behalf the subpoena was issued (CPLR 2308).

Date: July 22, 2013

*Carol Alt*  
CHIEF CLERK

Carol Alt  
Chief Clerk

If required, So Ordered:

*Eddy J. McShan* 7/24/13  
Judge of the Civil Court of the City of New York

*HON. EDDIE J. McSHAN*

CIVIL COURT  
JULY 24 2013

2013 JUL 24 PM 2:22

10/29/13 Ret. Rec. fm

movant picked up so-ordered  
7/29/2013

State of New York, County of Bronx  
Civil Court of the City of New York Civil Part

Index Number: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &  
Leventhal, P.C.

Plaintiff(s)

-against-

Millington Rosemary

Defendant(s)

**SUBPOENA AFFIDAVIT**

Requested by:

Millington Rosemary  
532 Morris Park Avenue  
Apt 2  
Bronx, New York 10460

September 25, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM for a hearing

I am making application to the court to subpoena the following: Check One  Person  Records for the above captioned hearing.

Name and Address of person to testify or holder of records requested: \_\_\_\_\_

Mabel Garcia

532 Morris Park Ave

Bx NY 10460

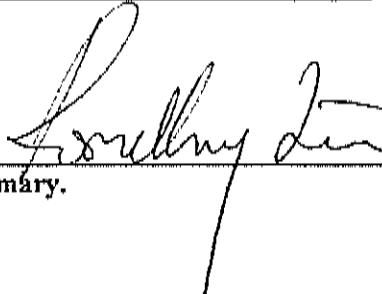
this person/records are needed because: \_\_\_\_\_

She has to testify  
that I paid her to evict a  
tenant in 2007 and that I  
did not hire Novick, Edelstein as  
indicated, that I was not  
not represented by Novick at any  
time.

Jul 22 2013

Date: \_\_\_\_\_

Millington Rosemary.



Please fill out and return to the court for a Judge to review.

**State of New York, County of Bronx  
Civil Court of the City of New York Civil Part**

Index Number: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &  
Leventhal, P.C.

Plaintiff(s)

-against-

Millington Rosemary

Defendant(s)

**SUBPOENA AFFIDAVIT**

Requested by:

Millington Rosemary  
532 Morris Park Avenue  
Apt 2  
Bronx, New York 10460

July 16, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM for a hearing

I am making application to the court to subpoena the following: Check One  Person  Records for the above captioned hearing.

Name and Address of person to testify or holder of records requested: Marble Garcia

this person/records are needed because:

*The has to testify before the Judge regarding the case between Novick Edelstein and Rosemary Millington. That is as a lawyer she was paid for an eviction in 2007 which she did not carry out, an other lawyer had to do the eviction. Few years later Novick care after Rosemary Millington for short rental, which Millington never hired.*

Date: 6-10-13

*Millington Rosemary.*

Please fill out and return to the court for a Judge to review.

**State of New York, County of Bronx  
Civil Court of the City of New York Civil Part**

Novick, Edelstein, Lubell, Reisman, Wasserman &  
Leventhal, P.C.

-against-  
Millington Rosemary

Plaintiff(s)

Defendant(s)

Index Number: CV-042539-11/BX

**SUBPOENA TO TESTIFY**

Requested by:  
Millington Rosemary  
532 Morris Park Avenue  
Apt 2  
Bronx, New York 10460

**THE PEOPLE OF THE STATE OF NEW YORK**

To: **MABEL GARCIA**

We Command that you lay aside all business and excuses and appear and attend before the Honorable Judge presiding at the Civil Court of the City of New York County of Bronx located at 851 Grand Concourse, Bronx, New York 10451 July 16, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM or such other time as this case may be adjourned [CPLR 2305(a)], to testify and give evidence in the action now pending in this Court, to be tried between the parties indicated above, on the part of Millington Rosemary.

Failure to comply with a subpoena may be punishable as contempt of court and/or make you liable for a penalty not exceeding **ONE HUNDRED FIFTY DOLLARS (\$150.00)** and damages sustained by the person on whose behalf the subpoena was issued (CPLR 2308).

Date: June 4, 2013

Carol Alt  
Chief Clerk

6/4/2013

If required, So Ordered:

Judge of the Civil Court of the City of New York

**HON. ELIZABETH A. TAYLOR**

Declined to sign.

Movant has failed to attach the initial  
for an order requiring a person to testify

**HON. ELIZABETH A. TAYLOR**

8/23/13

not received.

State of New York, County of Bronx  
Civil Court of the City of New York Civil Part

Index Number: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &  
Leventhal, P.C.

Plaintiff(s)  
-against-  
Millington Rosemary

Defendant(s)

**SUBPOENA AFFIDAVIT**

Requested by:  
Millington Rosemary  
532 Morris Park Avenue  
Apt 2  
Bronx, New York 10460

July 16, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM for a hearing

I am making application to the court to subpoena the following: Check One  Person  Records for the above captioned hearing.

Name and Address of person to testify or holder of records requested: MEBEL GARCIA

this person/records are needed because: The has to show proof  
that I hired her to evict my former  
Tenant Jenell Brown and not  
NOVICK, Edelstein p.c, and that  
I paid her \$900.00 for the eviction  
which she never carried out.

Date: 6/4/13

Millington  
Millington Rosemary.

Please fill out and return to the court for a Judge to review.

State of New York, County of Bronx  
Civil Court of the City of New York Civil Part

Novick, Edelstein, Lubell, Reisman, Wasserman &  
Leventhal, P.C.

-against-  
Millington Rosemary

Plaintiff(s)

Defendant(s)

Index Number: CV-042539-11/BX

**SUBPOENA TO TESTIFY**

Requested by:  
Millington Rosemary  
532 Morris Park Avenue  
Apt 2  
Bronx, New York 10460

**THE PEOPLE OF THE STATE OF NEW YORK**

To: Mabel Garcia

We Command that you lay aside all business and excuses and appear and attend before the Honorable Judge presiding at the Civil Court of the City of New York County of Bronx located at 851 Grand Concourse, Bronx, New York 10451 September 25, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM or such other time as this case may be adjourned [CPLR 2305(a)], to testify and give evidence in the action now pending in this Court, to be tried between the parties indicated above, on the part of Millington Rosemary.

Failure to comply with a subpoena may be punishable as contempt of court and/or make you liable for a penalty not exceeding **ONE HUNDRED FIFTY DOLLARS (\$150.00)** and damages sustained by the person on whose behalf the subpoena was issued (CPLR 2308).

Date: July 16, 2013

Carol Alt  
Chief Clerk

Dec 1st  
w/ 1/2  
Pls  
what will  
Ms. Rosemary  
feel about  
each other?  
7/16/13

If required, So Ordered:

Judge of the Civil Court of the City of New York

HON. GERALD LEBOVITS

9/11/13 Rec'd - Rec'd fm.

State of New York, County of Bronx  
Civil Court of the City of New York Civil Part

Novick, Edelstein, Lubell, Reisman, Wasserman &  
Leventhal, P.C.

-against-  
Millington Rosemary

Plaintiff(s)

Defendant(s)

Index Number: CV-042539-11/BX

**SUBPOENA AFFIDAVIT**

Requested by:

Millington Rosemary  
532 Morris Park Avenue  
Apt 2  
Bronx, New York 10460

September 25, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM for a hearing

I am making application to the court to subpoena the following: Check One  Person  Records  
for the above captioned hearing.

Name and Address of person to testify or holder of records requested: Mabel Garcia

532 Morris Park Ave

BX NY 10460

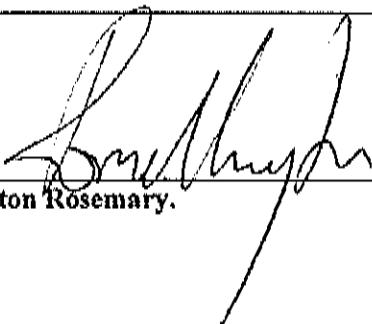
this person/records are needed because:

She is the  
person to testify and to prove  
that she was hired and paid  
by Rosemary Millington to evict a  
tenant in 2007 and not Novick  
Edelstein.

Date:

7/16/13

Millington Rosemary



Please fill out and return to the court for a Judge to review.

State of New York, County of Bronx  
Civil Court of the City of New York Civil Part

Index No: CV-042539-11/BX

Novick, Edelstein, Lubell, Reisman, Wasserman &  
Leventhal, P.C.

Plaintiff(s)

-against-

Millington Rosemary

Defendant(s)

**AFFIDAVIT OF SERVICE**  
of a Subpoena to Testify

State of New York, County of \_\_\_\_\_ ss.:

\_\_\_\_\_, being duly sworn, deposes and says:

(Name of Person serving papers)

I am over the age of 18 and not a party to this action.

At \_\_\_\_\_, on \_\_\_\_\_, I served a Subpoena in this matter on:  
(Time) (Date)

\_\_\_\_\_, whom I know to be the person named in this

(Name of Witness)

subpoena by delivering and leaving with him/her personally a true copy of it and paying him/her the sum  
of \$ \_\_\_\_\_ for one day's attendance and fees for traveling to the place where he/she was required by the  
Subpoena to attend, if required:

**Description of Individual Served in Person**

Gender: \_\_\_\_\_

Color of Skin: \_\_\_\_\_

Color of Hair: \_\_\_\_\_

Approximate Age: \_\_\_\_\_

Approximate Weight: \_\_\_\_\_

Approximate Height: \_\_\_\_\_

\_\_\_\_\_  
Signature of Server

(Must be signed before Notary or Court Employee)

Sworn to before me on \_\_\_\_\_, 20 \_\_\_\_\_.  
\_\_\_\_\_  
(Signature of Notary Public or Court Employee)

**General Instructions**

Anyone NOT A PARTY to the action who is over the age of 18 may serve the subpoena

1. Find the person to be served (the witness)
2. Give that person a copy of the Subpoena and witness fee.
3. Give all the affidavits of service to the person on whose behalf this subpoena was served for further proceedings in case the witness does not comply with the subpoena.

## INSTRUCTIONS FOR SERVICE OF A SUBPOENA TO TESTIFY

### RESTRICTIONS:

A Civil subpoena issued from the Civil Court of the City of New York County Of Bronx may be served anywhere within the city, county or a neighboring county. Service elsewhere within the State of New York may be done only with written permission of a Judge.

An agency of the city, county, or state government, or a public library, may only be subpoenaed with the written permission of a Judge.

### PROCEDURES:

1. Make one photocopy of the Subpoena For Records if you are going to personally serve the individual. If you need to mail the document, you will need another copy. You should make a copy of all completed papers and **Affidavit of Service**.
2. Anyone NOT A PARTY TO THE ACTION who is over the age of 18 may "serve" the Subpoena To Testify.
3. *A Subpoena To Testify may not simply be mailed. The subpoena may be served as follows:*
  - a. By finding the person to be served and handing the subpoena to that person.
  - b. By serving another person old enough to understand, at the home or business of the person intended to be served. The person serving the papers must also mail an additional copy of the subpoena, to the last known address or place of business of the person to be served. The envelope should be marked "Personal and Confidential".
4. After the papers are "served", the person who served the papers must complete an Affidavit of Service, which is provided. The caption of the case, index number, and type of paper to be served has already been completed.
  - a. Write the name of the county where the affidavit will be signed and sworn to.
  - b. Write the name of the person who served the papers.
  - c. Write the time and date on which the papers were served.
  - d. Write the name of the person being served.
  - e. If the papers were handed to the person, place a check mark in the box that indicates "actual person to be served."
  - f. If the papers were handed to another person, place a check mark in the box that indicates "person of suitable age and discretion" (which means old enough to understand).
  - g. If the papers were handed to an authorized person of a business or entity, write the name of that person and the name of the business or entity.
  - h. Write the location of where the person was served.
  - i. Write the address of where the person lives.
  - j. If the person was personally served, place a check mark in the box that indicates "by personal delivery" and complete the description of the person.
  - k. If the person was served by mail, place a check mark in the box that indicates "mail (check all that apply)" and indicate the type of mailing and write the mailing number provided by the post office.
5. The person who served the papers must sign the Affidavit of Service in the presence of the notary or court employee. The notary or court employee will complete the date and sign his/her name.

**NOTE: This form must be notarized! Leave the rest of the form blank until the person who served the papers is in the presence of a notary public or court employee.**

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-----X  
NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.,

INDEX NO. 42539/11  
FILE NO. 14033

Plaintiff,

NOTICE OF ENTRY

-against-

MILLINGTON ROSEMARY,

Defendant(s).

-----X

PLEASE TAKE NOTICE, that annexed hereto is the Decision and Order duly

Entered in the office of the Clerk of the Court on the 21<sup>st</sup> day of September, 20

Dated: Westchester, NY  
September 23, 2011

Yours, etc.,

Kavulich & Associates, PC  
181 Westchester Avenue, Suite 500C  
Port Chester, NY 10573

To: Millington Rosemary  
532 Morris Park Avenue, Apt. 2  
Bronx, NY 10460

FILED, CIVIL COURT  
RECEIVED, CLERK'S OFFICE  
2011 OCT 3 AM 9:52

County of BRONXPart 34, No. 111

Motion Cal. # \_\_\_\_\_ Motion Seq. # \_\_\_\_\_

File # 14033

Knick Edelstein

Claimant(s)/Plaintiff(s)/Petitioner(s)  
againstPlaintiff  
R. S.

Defendant(s)/Respondent(s)

**DECISION/ORDER**Recitation, as required by CPLR §2219 (a), of the papers  
considered in the review of this Motion:

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed.....	_____
Answering Affidavits .....	_____
Replying Affidavits.....	_____
Exhibits .....	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion to FOR DEFAULT  
JUDGMENT. is as follows:Plaintiff's motion is granted upon Defendants default.Plaintiff is awarded a judgment in the amount of \$ 1,475.00 plus costs, fees, disbursements & interest from January 31, 2007.The Clerk of the Court is directed to enter judgment in said amount.Plaintiff shall file & serve upon Defendant a copy of THIS Decision & notice of its entry by certified mail, Return Receipt within 30 days of this Decision.This constitutes the Decision & Order of the

COURT 9/21	Civil Court of the City of New York
Date	SEP 21 2011
ENTERED BRONX COUNTY	

Judge, Civil Court

HON. FERNANDO TADES

Page 11

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-----X  
NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,

-against-

MILLINGTON ROSEMARY,

Defendant.

-----X  
STATE OF NEW YORK  
COUNTY OF WESTCHESTER ss:

Denise Miranda being duly sworn, deposes and says:

I am over 18 years of age and not a party to this action. On September 23, 2011

I served the within Notice of Entry on the defendant in this action, by depositing

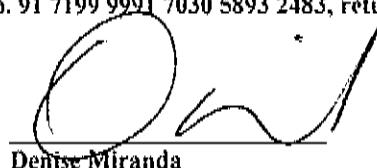
a true copy of the Notice of Entry in a postpaid envelope addressed to:

Millington Rosemary  
532 Morris Park Avenue, Apt. 2  
Bronx, NY 10460

in an official depository under the exclusive care and custody of the United States Postal Service,  
within the State of New York via Certified mail no. 91 7199 9991 7030 5893 2483, return receipt  
requested.

Sworn to before me  
this 23<sup>rd</sup> day of September, 2011

\_\_\_\_\_  
Notary Public



Denise Miranda

GARY KAVULICH  
NOTARY PUBLIC-STATE OF NEW YORK  
NO: 02KA6205615  
QUALIFIED IN WESTCHESTER COUNTY  
MY COMMISSION EXPIRES 5/11/2013

INDEX NO. 42539  
YEAR 2011

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

(certified) true copy of a  
duly entered in the office of the clerk of  
the within named court on

Dated

Attorney for \_\_\_\_\_ Office and Post Office Address \_\_\_\_\_

1

四〇〇

PLEASE take notice that an order  
of which the within is a true copy will be presented  
for settlement to the Hon.  
one of the judges of the within named Court, at

on	Yours, etc—	[initials]	Attorney for	To
at			Office and Post Office Address	Attorney(s) for
Dated.				

Attorneys(s) for \_\_\_\_\_

Page 13

Civil Court of the City of New York  
 County of Bronx  
 Part 34, No. 11

Novick Edelstein

Claimant(s)/Plaintiff(s)/Petitioner(s)  
 against

Mullington Rosemary

Pro Se Defendant(s)/Respondent(s)

Index Number 42539/11  
 Motion Cal. # \_\_\_\_\_ Motion Seq. # \_\_\_\_\_

File # 14033

**DECISION/ORDER**

Recitation, as required by CPLR §2219 (a), of the papers  
 considered in the review of this Motion:

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed.....	_____
Answering Affidavits .....	_____
Replying Affidavits.....	_____
Exhibits .....	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion, FOR DEFAULT

judgment.

is as follows:

Plaintiffs motion is granted upon Defendants default.

Plaintiff is awarded a judgment in the amount of \$ 1,475<sup>00</sup> plus costs, fees, disbursements & interest from January 31, 2007.

The Clerk of the Court is directed to enter judgment in said amount.

Plaintiff shall file & serve upon Defendant a copy of THIS Decision & notice of its entry by CERTIFIED MAIL, Ret Rec'Dee within 30 days of this Decision.  
This constitutes the Decision & Order of the

COURT

9	21	Civil Court of the New York	Civil Court of the New York
Date		1 2011	
SEP 21 2011		ED	
ENTERED		NYC	
BRONX COUNTY			

Judge, Civil Court

AFFIDAVIT OF SERVICE

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

Index No. 42539/11  
Filed: \_\_\_\_\_

Attorneys: Kavulich & Associates, P.C.

Address: 30 Church Street, Suite 26, New Rochelle, NY 10801 File No. 14033

NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL P.C.,

vs.  
MILLINGTON ROSEMARY,

State of New York County of Nassau SS:

Aston G. Evans II, being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age. On July 1, 2011 at 12:12p.m.

At: C/O 532 Morris Park Avenue, Apt. 2, Bronx, NY 10460 served the within Summons and Complaint on: **MILLINGTON ROSEMARY**, Defendant therin named

Individual  By delivering a true copy of each to said recipient; deponent knew the person  
[ ] served to be the person described as said person therein.

Corporation  By delivering to and leaving with \_\_\_\_\_ and that deponent knew the  
[ ] person so served and authorized to accept service on behalf of the Corporation

Suitable Age Person  By delivering a true copy of each to a person of suitable age and discretion  
[X] Said premises is recipients [ X ] actual place of business [ ] dwelling house within the  
state.

Affixing to Door  By affixing a true copy of each to the door of said premises, which is recipients  
[ ] actual place of business [ ] dwelling house (place of abode) within the state  
[ ]

Mail Copy  On July 2, 2011 deponent completed service under the last two sections by  
depositing a copy of the Summons and Complaint to the above address in a 1<sup>st</sup>  
Class properly addressed envelope marked "Personal and Confidential" in an official  
depository under the exclusive care and custody of the United States Post Office in the State  
of New York.

Deponent was unable, with due diligence to find the recipient or a person of suitable age  
and discretion having called thereat:

On the day of at

On the day of at

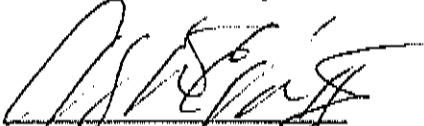
On the day of at

Description A description of the Defendant, or other person served on behalf of the Defendant  
[ ] Sex: M Color of skin: BLK Color of Hair: BLK Age: 45-50 Height: 5'10" Weight: 220LBS

Military Svce  Deponent asked person spoken to whether the recipient was presently in military  
[ X ] service of the United States Government or of the State of New York and was  
informed that the recipient is not. Recipient wore civilian clothes and no military uniform

Other  
[X]"John Doe" stated that the Defendant is not in the military.

Sworn to before me on this day of 7-11

  
Aston G. Evans II  
LIC# 1220069

14  
Suffolk County Clerk  
Court of Appeals  
State of New York

CIVIL COURT OF THE CITY OF NEW YORK NO CALENDAR NUMBER ASSIGNED  
COUNTY OF BRONX: PART 34 INDEX NO. 42539/11  
X FILE NO. 14033  
NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,

- against -

MILLINGTON ROSEMARY,

Defendant.

X

MOTION BY:

Kavulich & Associates, P.C.  
Attorneys for Plaintiff

Ma D  
[-12/16/11]  
DATE, TIME AND PLACE  
OF HEARING:

September 21, 2011  
9:30 A.M.  
Motion Term: Part 34, Room 503  
Civil Court of the City of New York  
County of Bronx  
851 Grand Concourse  
Bronx, NY 10451

FILED  
CIVIL COURT  
CITY OF NEW YORK

2011 SEP 15 AM:10:19

SUPPORTING PAPERS:

Affirmation of Gary M. Kavulich, Esq.,  
dated August 24, 2011, affidavit of Charles  
Wasserman, principal of the Plaintiff, and  
upon all the papers and proceedings  
heretofore and herein.

RELIEF REQUESTED:

Order: Awarding Plaintiff a default  
judgment for \$1,475.00 plus interest from

January 31, 2007, based upon the Defendant's failure to answer the summons and complaint, and for such other and further relief as to this Court may seem just and proper.

Dated: Port Chester, New York  
August 24, 2011

Yours Etc.,

  
Kavulich & Associates, P.C.  
By: Gary M. Kavulich, Esq.,  
181 Westchester Ave., Suite 500-C  
Port Chester, NY 10801  
(914)355-2074

To: Millington Rosemary  
532 Morris Park Avenue, Apt. 2  
Bronx, NY 10460

CIVIL COURT OF THE CITY OF NEW YORK

COUNTY OF BRONX: PART 34

INDEX NO. 42539/11

FILE NO. 14033

-----X  
NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,

AFFIRMATION

- against -

MILLINGTON ROSEMARY,

Defendant.

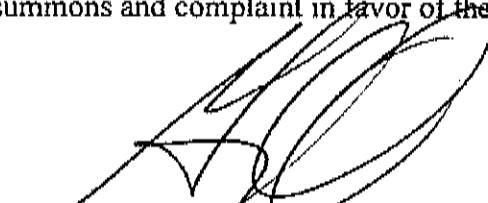
-----X

Gary M. Kavulich, Esq., an attorney duly admitted to practice law before the Courts of the State of New York hereby affirms the following under the penalty of perjury.

1. I am a member of the law firm of Kavulich & Associates, P.C., attorneys for the Plaintiff, herein. As such, I am fully familiar with the facts and circumstances of the within proceeding, except as to those matters stated to be based upon information and belief, and as to those matters I believe them to be true. The basis of my belief is information furnished to me by my client, information contained within the Court's file, and information contained within the file as maintained by your affiant's office.
2. I make this affirmation which seeks an Order awarding the Plaintiff a default judgment for \$1,475.00 plus interest from January 31, 2007 based upon the Defendant's failure to file an answer to the summons and complaint.
3. The within proceeding was commenced by the Plaintiff against the Defendant to recover damages for legal services provided by the Plaintiff in the sum of \$1,475.00. Please see a copy of Plaintiff's client account ledger annexed hereto as Exhibit "1."
4. Legal services provided by the Plaintiff included but was not limited a Holdover. Please see aforementioned Exhibit "1."
5. The Defendant was served on or about July 2, 2011. Please see a copy of the summons and complaint annexed hereto as Exhibit "2." Please see a copy of the affidavit of service of said summons and complaint annexed hereto as Exhibit "3."

6. Now more than 30 (thirty) days have elapsed since the summons and complaint was served upon the Defendant, and the Defendant has failed to answer to said summons and complaint.
7. To date, the Defendant owes the Plaintiff \$1,475.00 in damages due to the legal services provided by the Plaintiff. Please see the affidavit of Charles Wasserman annexed hereto as Exhibit "4."
8. The Plaintiff's billing for said legal services is clearly reasonable. Please see aforementioned client account ledger annexed hereto as Exhibit "1."
9. As the Defendant has not answered the summons and complaint, your affiant respectfully requests that this Honorable Court enter a default judgment for the sum sought in the summons and complaint in favor of the Plaintiff against the Defendant.

Dated: Port Chester, New York  
August 24, 2011



Gary M. Kavulich, Esq.,

## EXHIBIT 1

NOVICK, EDELSTEIN, LUBELL  
 Open Receivables Aging Detail by Client  
 Aged from Due Date, for Client MG06

Date	Invoice #	Amount	0-30	31-60	61-90	91-120	Over 120	Open Balance	Last Payment	Credits
	Inv. Type/Description		Action Date	Case ID	Index	Tenant				
<b>Customer: MG06 MABEL GARCIA</b>										
Terms: Due Upon Receipt										
Building: 01 MISCELLANOUS										
5/05/2006 RECEIPT -60.00 Check # 1027										
Cash-Legal Fee // -60.00										
<b>Building Totals:</b> -60.00										
<b>Building: 02 MABEL GARCIA</b>										
1/18/2007	702141	175.00						175.00	175.00	
	Court Appearance	01/18/2007	N942136	000486/07	ANGELA ROBINSON					0.00
2/14/2007	707160	100.00						100.00	100.00	
	Court Appearance	02/14/2007	N942136	000486/07	ANGELA ROBINSON					0.00
3/07/2007	710304	100.00						100.00	100.00	
	Court Appearance	03/07/2007	N942136	000486/07	ANGELA ROBINSON					0.00
4/11/2007	715355	100.00						100.00	100.00	
	Court Appearance	04/11/2007	N942136	000486/07	ANGELA ROBINSON					0.00
5/01/2007	718445	100.00						100.00	100.00	
	Court Appearance	05/01/2007	N942136	000486/07	ANGELA ROBINSON					0.00
<b>Building Totals:</b> 575.00 575.00										
<b>Building: 03 MILLINGTON ROSEMARY</b>										
1/31/2007	704781	150.00						150.00	150.00	
	Holdover	01/31/2007	H001907	004342/07	JENNELL BROWN					0.00
2/21/2007	707931	150.00						150.00	150.00	
	Court Appearance	02/21/2007	H001907	004342/07	JENNELL BROWN					0.00
3/22/2007	712678	150.00						150.00	150.00	
	Court Appearance	03/22/2007	H001907	004342/07	JENNELL BROWN					0.00
4/19/2007	718676	150.00						150.00	150.00	
	Court Appearance	04/19/2007	H001907	004342/07	JENNELL BROWN					0.00
5/09/2007	719923	150.00						150.00	150.00	
	Court Appearance	05/09/2007	H001907	004342/07	JENNELL BROWN					0.00
5/30/2007	722940	150.00						150.00	150.00	
	Court Appearance	05/30/2007	H001907	004342/07	JENNELL BROWN					0.00
<b>Building Totals:</b> 900.00 900.00										
<b>Customer Totals:</b> 1475.00 1475.00 -60.00										

SPAIN KEY EKUM-BO BY USEK-ONE 12/03/19 10:14:36

CASE LOG INQUIRY				Today's date 12/03/10			
CSE H001907	IND	004342	X 07 R/C B	DAY	20107	FUR	RPT
ACC M60493	TEL	718 679-6772		TRT	53007	PAR C	VER
CLI MABEL GARCIA				BKI		JJR	HOL
532 MORRIS PARK AVENUE				APT 2			MOT
				TEN	JENNELL BROWN		RPT
BRONX, NY		10460		IN2			ARR
LLD MILLINGTON ROSEMARY				UNV			
PRM 1693 WATSON AVENUE			CTY B	FUT			
HOC	MOT		HOP	CSV	TSV		PPG
WML	WOR		WIS	WWD	RWD		
EOR	FVS		EVC	WAE	BIL P		
CTA	0131	0221	0322	0419	0509	0520	TO
DSP	53007	TYP		ATT			
TKL							

AKAKAKAKAKAKA CLIENT 718-679-6772 718-589-9369  
1/31/07 -E- ROOM 420 @ 9:30---CASE ADJ TO 2/21/07 @ 9:30AM FOR RESP TO  
OBTAIN ATTY. PER STIP USE (LM 2/6)  
RECD NOTICE OF APPEARANCE FROM RESP ATTY, THE LEGAL AID SOCIETY JUSTIN  
HAINES 950 S. BLVD, SUITE 401 BRONX NEW YORK 10459 716 991-4758 EXT. 230  
2/21/07 -C- CASE ADJ TO 3/22/07 FOR TL CAL (LM)  
Hit ENTER Next Page, CMD7 End of Job, CHDO Previous Page CMD12 Next Inquiry

PRINT KEY FROM: R0 BY 1005-AMZ 12/03/10 10:31:05  
 AR  
 AN

RECEIVED IN THE OFFICE OF THE CLERK OF THE NEW YORK CITY COURTS  
 12/03/2010 10:31:05 AMZ BY 1005-AMZ

CASE LOG INQUIRY		Today's date 12/03/10		
CSE B001907	JBD 064342 / 07 R/C R	DAT 20107	PUP	PRT
ACC M00603	TEL 718 679-6772	TRI 50007	PAR E	FOR
CLI M6EL 64ECIA		DKF	JUR	MUE
532 MORRIS PARK AVENUE		GPT 2		RNT
BRONX, NY	10460	TEN JENNELL BROWN		ARR
LLO MILLINGTON ROSEMARY		TIN2		
FRN 1693 WALSON AVENUE	CTY B	FUT		
HOC HOT	HOP	CIN	TSV	PMS
NML WMR	WIS	WNO	RMS	
EOR EVS	EVC	MAR	RT, P	
CTA 0131 0221 0322 0419 0509 0530	BJM		TO	
BSF 50007 TYP	ATT			
TRL				

3/22/07 -E- RESP ALLEGES THAT PROPERTY IS NO LONGER OWNED BY PET. ALSO AT  
 TSCUE RESP IS AN HSP TENANT AND PET DID NOT FLESH HSP STATUS OF TENANCY  
 NOR IS THERE PROOF OF NOTIFICATION CASE ADJ FOR RESP TO DO MOTION TO DISMISS  
 AMEND ANSWER AND PET TO PRODUCE PROOF OF OWNERSHIP, CASE ADJ TO 4/19/07  
 A/D TO BE ARRANGED, PER STIP ISUE (LM 3/27)  
 4/19/07 -E- CASE ADJ TO 5/9/07 FOR RESP TO SERVE MOTION TO DISMISS/AMEND  
 Hit ENTER next Page. CM07 End of Job. CM08 Previous Page CM012 Next Inquiry

PRINT KEY FROM-RO BY USE-TO-RO 32/09/20 30,553,000

ANSWER AND FOR PET. TO PRODUCE PROOF OF CURRENT POSSESSORY INTEREST  
AND ABILITY TO TRANSFER THE INTEREST TO OWNER PER STIP. PL (LM 4/20)  
5/9/07 -L- CASE ADJ TO 5/30/07 @ 9:30 ,/ OFF. PAPERS DUE BY 5/26 REPLY AT  
ANY TIME BY 5/30 FAX. IS O.K.; PET. ATTY. TO ENQUIRE WITH PET. REGARDING DESC  
, PER STIP. ISE (LM 5/11)  
RECD 5/9 MOTION FROM RESP. ATTY. ON 5/11 RESP. ATTY. JUSTIN MAINES  
HIT ENTER Next Page, CM012 End of Job, CM010 Previous Page CM012 Next Inquiry

\*\*\*\*\*  
 PRINT KEY FROM-RO SPN USE2-616 12/03/10 10:21:08  
 \*\*\*\*\*  
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CASE	LG#	INQUIRY	Today's date 12/03/10		
CSE H001907	IND 004942 / 07 R/L A	B41 20107	PER	PTI	
AEC M00603	TEL 718 679-6772	TRI 55007	PAR	PER	
CLL MABEL GARCIA		DKI	JEP	HUJ	MOT
	302 MORRIS PARK AVENUE	OPT 2			RNT
	BRONX, NY 10450	TER JENNELL BROWN			DRR
LLD	HILLINGTON ROSEMARY	TRC			
PRM	1693 WATSON AVENUE	CTY B FUT			
HOC	HOT	HOP	TSU		PER
NML	WDR	HTC	TRG	RMS	
EOR	CVS	LVC	TRK	BIL P	
CBA	0131 0221 0322 0419 0509 0530	BUH			TD
DSF	55007 TRP	ATT			
TKL					

THE LEGAL AID SOCIETY 933 S. BLVD. SUITE 400 BRONX NEW YORK, 10459  
 718-993-4750 EXT. 249 (LM 5/11)  
 5/29/07 RE: PER, DISC, THE PROCEEDING ANY J/W ARE VACATED, DISSE, W/O  
 PREJUDICE PER STIP TSE (LM 6/4)

Press Enter Next Inquiry, CNDZ End of Job, CND8 Previous Page.

## EXHIBIT 2

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-----X

NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.

Plaintiff,

Index No.

File No. 14033

-against-

MILLINGTON ROSEMARY,

Defendants.

**SUMMONS**

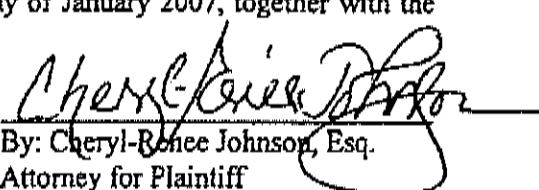
Place of Venue is designated  
as Defendant's Place of  
Business whose address is  
1693 Watson Avenue  
Bronx, New York

-----X

To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to appear in the CIVIL COURT OF THE CITY OF NEW YORK, COUNTY OF BRONX at the office of the Clerk of the said Court at 851 GRAND CONCOURSE, Bronx, NY 10451 to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with the summons, to serve a notice of appearance on the Plaintiff's attorney within (20) days after the service of this summons, exclusive of the day of service or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York; and in case of your failure to appear or answer, judgment will be taken against you for the sum of \$1,475.00 with interest thereon from the 31st day of January 2007, together with the costs of this action.

DATED: April 11, 2011

  
By: Cheryl-Renee Johnson, Esq.

Attorney for Plaintiff

Kavulich & Associates, P.C.

181 Westchester Avenue, Suite 500C

Port Chester, NY 10573

(914) 355-2074

**Defendant's Address:**

Millington Rosemary  
c/o 532 Morris Park Avenue, Apt. 2  
Bronx, New York 10460

Note: The law provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.

**COMPLAINT**

**FIRST ACTION:** Plaintiff seeks to recover damages from Defendant for professional services rendered in the sum of \$1,475.00 representing legal services performed together with costs and disbursements of this action and for such other and further relief as the court may deem just and proper.

**SECOND ACTION:** Plaintiff seeks to recover damages from the Defendant for breach of agreement in the sum of \$1,475.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just and proper.

**THIRD ACTION:** Plaintiff seeks to recover damages from the Defendant for unjust enrichment in the sum of \$1,475.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

**FOURTH ACTION:** Plaintiff seeks to recover damages in the amount of \$1,475.00 from the Defendant for account stated as the aforesaid sum has been duly demanded and has gone unpaid, together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

**FIFTH ACTION:** Plaintiff seeks to recover damages from the Defendant in the sum of \$1,475.00 in quantum meruit together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

**WHEREFORE:** Plaintiff demands judgment (A) on the First Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (B) on the Second Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (C) on the Third Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (D) on the Fourth Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (E) on the Fifth Action in the sum of \$1,475.00, plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

## EXHIBIT 3

## AFFIDAVIT OF SERVICE

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

Index No. 42539/11

Filed: \_\_\_\_\_

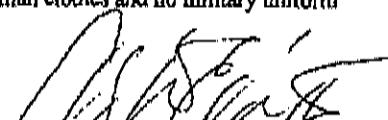
Attorneys: Kavulich & Associates, P.C.  
Address: 30 Church Street, Suite 26, New Rochelle, NY 10801 File No. 14033NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL P.C.,

vs.

MILLINGTON ROSEMARY,

State of New York County of Nassau SS:

Aston G. Evans II, being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age. On July 1, 2011 at 12:12p.m.At: C/O 532 Morris Park Avenue, Apt. 2, Bronx, NY 10460 served the within Summons and Complaint on: **MILLINGTON ROSEMARY**, Defendant therin namedIndividual By delivering a true copy of each to said recipient: deponent know the person  
[ ] served to be the person described as said person therein.Corporation By delivering to and leaving with \_\_\_\_\_ and that deponent knew the  
[ ] person so served and authorized to accept service on behalf of the CorporationSuitable Age By delivering a true copy of each to a person of suitable age and discretion  
Person Said premises is recipients [ X ] actual place of business [ ] dwelling house within the  
[ X ] state.Affixing By affixing a true copy of each to the door of said premises, which is recipients  
to Door [ ] actual place of business [ ] dwelling house (place of abode) within the state  
[ ]Mail Copy On July 2, 2011 deponent completed service under the last two sections by  
[ X ] depositing a copy of the Summons and Complaint to the above address in a 1<sup>st</sup>  
Class properly addressed envelope marked "Personal and Confidential" in an official  
depository under the exclusive care and custody of the United States Post Office in the State  
of New York.Deponent was unable, with due diligence to find the recipient or a person of suitable age  
and discretion having called thereat:On the day of at  
On the day of at  
On the day of atDescription A description of the Defendant, or other person served on behalf of the Defendant  
[ ] Sex: M Color of skin: BLK Color of Hair: BLK Age: 45-50 Height: 5'10" Weight: 220LBSMilitary Svcs Deponent asked person spoken to whether the recipient was presently in military  
[ X ] service of the United States Government or of the State of New York and was  
informed that the recipient is not. Recipient wore civilian clothes and no military uniformOther  
[ X ] "John Doe" stated that the Defendant is not in the military.Sworn to before me on this day of 7-11Aston G. Evans II  
LIC# 1220069

Ls No. 01/11/140332316

Counselor Evans J. 2011-14

## EXHIBIT 4

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX: PART 34  
-----X-----INDEX NO. 42539/11  
FILE NO. 14033NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.,Plaintiff,  
- against -AFFIDAVIT

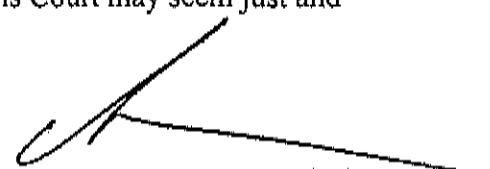
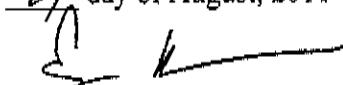
MILLINGTON ROSEMARY,

Defendant.  
-----X-----STATE OF NEW YORK )  
                          )  
                          ) SS  
COUNTY OF WESTCHESTER )

I, Charles Wasserman, being duly sworn deposes and says:

1. I am a member of the Plaintiff, Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C., herein, and as such I am fully familiar with the facts and circumstances of this proceeding.
2. The Plaintiff performed legal services on behalf of the Defendant, Millington Rosemary.
3. Said legal services included a Holdover.
4. The Plaintiff duly performed said services to the satisfaction of the Defendant.
5. To date, despite repeated demands, the Defendant has failed to pay for said services; as a result the Defendant's unpaid balance has accumulated to the sum of \$900.00.
6. My attorneys have advised me that the Defendant has failed to file an answer to the summons and complaint.

WHEREFORE, your deponent prays that the relief sought herein is granted in all respects and for such other and further relief as to this Court may seem just and proper.

Sworn to before me this  
29 day of August, 2011  
Charles Wasserman  
Notary PublicEUGENE REISMAN  
Notary Public, State of New York  
No. 02-4732638  
Qualified in Westchester County  
Commission Expires Feb. 28, 2015

COUNTY OF BRONX: PART 34

INDEX NO. 42539/11

X

FILE NO. 14033

NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,

AFFIRMATION

- against -

MILLINGTON ROSEMARY,

Defendant.

X

Gary M. Kavulich, Esq., an attorney duly admitted to practice law before the Courts of the State of New York hereby affirms the following under the penalty of perjury.

On September 7, 2011 I served the within Notice of Motion upon Millington Rosemary, the Defendant in this action, by depositing a true copy in a post-paid envelope addressed to:

Millington Rosemary  
c/o 532 Morris Park Avenue, Apt. 2  
Bronx, NY 10460

in an official depository under the exclusive dominion and control of the United States Postal Service within the State of New York via regular first class mail.

Gary M. Kavulich, Esq.

INDEX NO: 42539

YEAR: 2011

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX: PART 34

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NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,  
- against -

MILLINGTON ROSEMARY,

Defendant.

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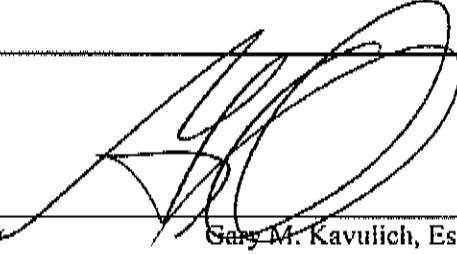
NOTICE OF MOTION FOR ENTRY OF A DEFAULT JUDGMENT

---

Signature Rule 130-1.1-a

---

Print Name Beneath



Gary M. Kavulich, Esq.,

---

Kavulich & Associates, P.C.  
Attorney for Plaintiff  
181 Westchester Ave., Suite 500-C  
Port Chester, NY 10801  
(914)355-2074

CASE SUMMARY

Court:	Bronx County Civil Court	Plaintiff(s):	Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C.
Index Number:	CV-04-2539-11/BX	vs.	
Case Type:	Civil	Defendant(s):	
Classification:	General		
Filed Date:	06/20/2011		Millington Rosemary

Disposed Date:	10/04/2011	
Disposed Reason:	Judgment(1)-Motion Decision	

Cause(s) of Action: Monies Due in the amount of \$1,475.00

(P) Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C.  
Kavulich & Associates PC - 181 Westchester Avenue, Suite 500C, Port Chester, NY 10573-, (914) 355-2074 ext:

(D) Millington Rosemary - 532 Morris Park Avenue, Apt 2, Bronx, NY 10460-

PAPERS RECORDED

06/20/2011	Summons and Complaint (Attorney), Filed By: (P) Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C.
09/15/2011	Motion (General), Seq 1, Court Date(s): 09/21/2011, Judgment - Default, Filed By: (P) Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C., Status: Decided, Decision: Granted on Default, Deciding Judge: Fernando Tapia
10/03/2011	Judgment (Motion Decision), Seq 1, Filed Date: 10/03/2011, Total Judgment: \$2,225.47, Entered Date: 10/04/2011, Status: Vacated (02/26/2013), Creditor(s): (P) Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C., Debtor(s): (D) Millington Rosemary, Certificate of Disposition Printable Remarks: Vacated on 02/26/2013 AS PER ORDER SIGNED BY JUDGE PADILLA ON 2/26/13
02/11/2013	Motion (Order to Show Cause), Seq 2, Court Date(s): 02/26/2013; 02/26/2013, Vacate Judgment, Filed By: (D) Millington Rosemary, Status: Decided, Decision: Granted to Extent per Order, Deciding Judge: Jose A. Padilla
02/26/2013	Miscellaneous - JUDGMENT VACATED PER ORDER
02/26/2013	Answer Filed (Self Represented), Filed By: (D) Millington Rosemary

APPEARANCE ACTIVITY

09/21/2011	Part 34 - Procedural Motions - Self Represented Litigant, Judge: Fernando Tapia, Purpose: Motion (1) - Judgment - Default, Outcomes(s): Granted on Default
02/26/2013	Part 34C - Procedural Motions - Self-Represented Litigant - Consumer, Purpose: Motion (2) - Vacate Judgment, Outcomes(s): Adjourned: 02/26/2013

This report reflects information recorded as of 05/01/2013 04:23 PM. Users should verify the accuracy of information by consulting original court records or sources. The Unified Court System is not responsible for consequential use of this data.

CV-04-2539-11/BX (P) Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C. vs. (D) Millington Rosemary	
02/26/2013	Part 34 - Procedural Motions - Self Represented Litigant, Judge: Jose A. Padilla, Purpose: Motion (2) - Vacate Judgment, Outcome(s): Granted to Extent per Order
02/26/2013	Part 34C - Procedural Motions - Self-Represented Litigant - Consumer, Purpose: Motion (2) - Vacate Judgment, Outcome(s): Rescheduled:
03/19/2013	Part 11 - Self Represented Non-Jury, Purpose: Trial: Bench, Outcome(s): Adjourned: 04/30/2013
04/30/2013	Part 11 - Self Represented Non-Jury, Purpose: Trial: Bench, Outcome(s): Adjourned: 06/04/2013
06/04/2013	Part 11 - Self Represented Non-Jury, Purpose: Trial: Bench

This report reflects information recorded as of 05/01/2013 04:23 PM. Users should verify the accuracy of information by consulting original court records or sources. The Unified Court System is not responsible for consequential use of this data.

Page 2 of 2

Page 36

State of New York, County of Bronx  
Civil Court of the City of New York Civil Part

Novick, Edelstein, Lubell, Reisman, Wasserman &  
Leventhal, P.C.

-against-  
Millington Rosemary

Plaintiff(s)

Defendant(s)

Index Number: CV-042539-11/BX

**SUBPOENA TO TESTIFY**

Requested by:

Millington Rosemary  
532 Morris Park Avenue  
Apt 2  
Bronx, NY 10460

June 4, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM for a hearing

I am making application to the court to subpoena the following: Check One  
for the above captioned hearing.

Person

Records

Name and Address of person to testify or holder of records requested:

MABEL GARCIA

this person/records are needed because:

She is the only  
one that can prove that I did  
not hire the Law firm (NOVICK,  
Edelstein.) But that I hired her  
as an attorney to evict a tenant  
in 2007, So therefore I don't owe  
this law firm any thing that garnished  
my payroll, MABEL GARCIA Has A Law  
firm of her own.

Date:

4/30/13

Millington Rosemary.

Please fill out and return to the court for a Judge to review.

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-X

NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.

42539

Plaintiff,

Index No.  
File No. 14033

-against-

MILLINGTON ROSEMARY,

Defendants.

**SUMMONS**

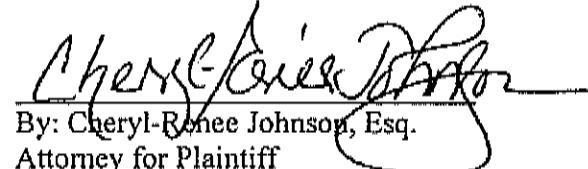
Place of Venue is designated  
as Defendant's Place of  
Business whose address is  
1693 Watson Avenue  
Bronx, New York

-X

To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to appear in the CIVIL COURT OF THE CITY OF NEW YORK, COUNTY OF BRONX at the office of the Clerk of the said Court at 851 GRAND CONCOURSE, Bronx, NY 10451 to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with the summons, to serve a notice of appearance on the Plaintiff's attorney within (20) days after the service of this summons, exclusive of the day of service or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York; and in case of your failure to appear or answer, judgment will be taken against you for the sum of \$1,475.00 with interest thereon from the 31st day of January 2007, together with the costs of this action.

DATED: April 11, 2011

  
By: Cheryl-Renee Johnson, Esq.

Attorney for Plaintiff

Kavulich & Associates, P.C.

181 Westchester Avenue, Suite 500C

Port Chester, NY 10573

(914) 355-2074

Defendant's Address:

Millington Rosemary  
c/o 532 Morris Park Avenue, Apt. 2  
Bronx, New York 10460

Note: The law provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.

**FEE PAID**

JUN 20 2011

**CIVIL COURT  
BRONX COUNTY**

**COMPLAINT**

**FIRST ACTION:** Plaintiff seeks to recover damages from Defendant for professional services rendered in the sum of \$1,475.00 representing legal services performed together with costs and disbursements of this action and for such other and further relief as the court may deem just and proper.

**SECOND ACTION:** Plaintiff seeks to recover damages from the Defendant for breach of agreement in the sum of \$1,475.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just and proper.

**THIRD ACTION:** Plaintiff seeks to recover damages from the Defendant for unjust enrichment in the sum of \$1,475.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

**FOURTH ACTION:** Plaintiff seeks to recover damages in the amount of \$1,475.00 from the Defendant for account stated as the aforesaid sum has been duly demanded and has gone unpaid, together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

**FIFTH ACTION:** Plaintiff seeks to recover damages from the Defendant in the sum of \$1,475.00 in quantum meruit together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

**WHEREFORE:**, Plaintiff demands judgment (A) on the First Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (B) on the Second Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (C) on the Third Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (D) on the Fourth Action in the sum of \$1,475.00 plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just; (E) on the Fifth Action in the sum of \$1,475.00, plus interest from January 31, 2007, together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

**Bronx County Civil Court  
Civil Judgment**

**Plaintiff(s):**  
Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C.

vs.

**Defendant(s):**  
Millington Rosemary

**Index Number:** CV-042539-11/BX

Judgment issued: Per Motion Decision

On Motion of:

Kavulich & Associates, P.C.  
181 Westchester Avenue, Suite 500C, Port  
Chester, NY 10573-

Amount claimed	\$1,475.00	Index Number Fee	\$45.00	Transcript Fee	\$0.00
Less Payments made	\$0.00	Consumer Credit Fee	\$0.00	County Clerk Fee	\$0.00
Less Counterclaim Offset	\$0.00	Service Fee	\$25.00	Enforcement Fee	\$40.00
Interest 01/31/2007 at 9%	\$620.47	Non-Military Fee	\$0.00	Other Disbursements	\$0.00
Attorney Fees	\$0.00	Notice of Trial Fee	\$0.00	Other Costs	\$0.00
Cost By Statute	\$20.00	Jury Demand Fee	\$0.00		
<b>Total Damages</b>	<b>\$2,095.47</b>	<b>Total Costs &amp; Disbursements</b>	<b>\$130.00</b>	<b>Judgment Total</b>	<b>\$2,225.47</b>

The following named parties, addressed and identified as creditors below:

**Plaintiff creditor(s) and address**

(1) Novick, Edelstein, Lubell, Reisman, Wasserman & Leventhal, P.C.  
733 Yonkers Avenue, Yonkers, NY 10704-

Shall recover of the following parties, addresses and identified as debtors below:

**Defendant debtor(s) and address**

(1) Millington Rosemary  
532 Morris Park Avenue, Apt 2, Bronx, NY 10460-

Judgment entered at the Bronx County Civil Court, 851 Grand Concourse, Bronx, NY 10451, in the STATE OF NEW YORK  
in the total amount of \$2,225.47 on 10/04/2011 at 07:54 AM.

*Carol Alt*  
CHIEF CLERK

Judgment sequence 1

Carol Alt, Chief Clerk Civil Court

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-----X  
NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C..

INDEX NO. 42539/11  
FILE NO. 14033

JUDGMENT

PLAINTIFF(S)

-AGAINST-

MILLINGTON ROSEMARY.

DEFENDANT(S)

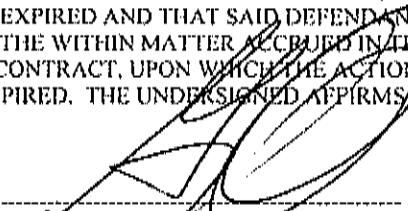
-----X  
AMOUNT AWARDED  
INTEREST FROM JANUARY 31, 2007 \$1,475.00  
\$ 608.44  
\$2,083.44

COSTS BY STATUTE	\$20.00
SERVICE OF SUMMONS AND COMPLAINT	\$25.00
FILING OF SUMMONS AND COMPLAINT	\$45.00
PROSPECTIVE MARSHALL'S FEE	\$40.00
NOTICE OF INQUEST	\$0.00
TRANSCRIPT & DOCKETING	\$0.00
	\$ 130.00
TOTAL:	\$2,213.44

STATE OF NEW YORK, COUNTY OF WESTCHESTER:

THE UNDERSIGNED, ATTORNEY AT LAW OF THE STATE OF NEW YORK, ON OF THE ATTORNEY(S) OF RECORD FOR THE PLAINTIFF(S) IN THE ABOVE ENTITLED ACTION, STATES THAT THE DISBURSEMENTS ABOVE SPECIFIED HAVE BEEN OR WILL NECESSARILY BE MADE OR INCURRED THEREIN AND ARE REASONABLE IN AMOUNT: UPON FAILURE TO ANSWER, THE TIME OF THE DEFENDANT TO APPEAR AND ANSWER HEREIN HAS EXPIRED AND THAT SAID DEFENDANT HAS NOT APPEARED AND ANSWERED HEREIN. THE CAUSE OF ACTION IN THE WITHIN MATTER ACCRUED IN THE STATE OF NEW YORK WHERE THE STATUTE OF LIMITATIONS ON A CONTRACT, UPON WHICH THE ACTION IS BASED, IS SIX (6) YEARS. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED. THE UNDERSIGNED AFFIRMS THIS STATEMENT TO BE TRUE UNDER THE PENALTIES OF PERJURY.

DATED: WESTCHESTER, NY  
SEPTEMBER 23, 2011

  
KAVULICH & ASSOCIATES, P.C.  
BY: GARY KAVULICH, ESQ.

JUDGMENT ENTERED ON  
SERVICE OF SUMMONS AND COMPLAINT IN THIS ACTION ON THE DEFENDANT(S)  
HEREIN HAVING BEEN COMPLETED: DEFENDANT(S) HAS NOT APPEARED AND ANSWERED HEREIN AND  
PURSUANT TO DECISION/ORDER DATED SEPTEMBER 21, 2011, JUDGMENT IS REQUESTED.

NOW ON MOTION OF KAVULICH & ASSOCIATES, P.C. ATTORNEY(S) FOR THE PLAINTIFF(S) IT IS, ADJUDGED  
THAT PURSUANT TO DECISION/ORDER  
NOVICK, EDELSTEIN, LUBELL, REISMAN, WASSERMAN & LEVENTHAL, P.C.,  
RESIDING AT: 733 YONKERS AVENUE, YONKERS, NY 10704  
RECOVER OF: MILLINGTON ROSEMARY,  
RESIDING AT: c/o 532 MORRIS PARK AVENUE, APT. 2, BRONX, NY 10460  
THE SUM OF \$1,475.00 WITH INTEREST OF \$608.44 MAKING A TOTAL OF \$2,083.44  
TOGETHER WITH \$130.00 COSTS AND DISBURSEMENTS, AMOUNTING IN ALL TO THE  
SUM OF \$2,213.44 AND THAT PLAINTIFF HAVE EXECUTION THEREFORE.

1ME:G  
Clerk

CLERK

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX  
-----X  
NOVICK, EDELSTEIN, JUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.,

INDEX NO. 42339711

PLAINTIFF(S)

AGAINST

MILLINGTON ROSEMARY.

DEFENDANT(S)

JUDGMENT

Amount Claimed with Interest	\$2,083.44
Costs and Disbursements	\$ 130.00
Total:	\$2,213.44

KAVULICH & ASSOCIATES, P.C.

ATTORNEY FOR PLAINTIFF  
181 WESTCHESTER AVENUE, SUITE 500C  
PORT CHESTER, NY 10573  
PHONE: 914-355-2074

## Civil Court of the City of New York

County of BronxPart 34, No. 11

NORTON ZEDESTEIN

Claimant(s)/Plaintiff(s)/Petitioner(s)  
*against*MULINGTON KORENBERG  
Pass Defendant(s)/Respondent(s)Index Number 4253711

Motion Cal. # \_\_\_\_\_ Motion Seq. # \_\_\_\_\_

## DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers  
considered in the review of this Motion:

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed.....	_____
Answering Affidavits .....	_____
Replying Affidavits.....	_____
Exhibits .....	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion to For Default  
Judgment. is as follows:Plaintiff's motion is granted upon Defendant's  
default.Plaintiff is awarded a judgment in  
the amount of \$ 1,475.00 plus costs, fees,  
disbursements & interest from January 31,  
2007.The Clerk of the Court is directed to  
enter judgment in said amount.Plaintiff shall file & serve upon Defendant  
a copy of this Decision & notice of its entry  
by certified mail, let rec'd within 30 days  
of this Decision.  
This constitutes the Decision & Order of the

Court

9/21/11

Civil Court  
of the  
City of New York

Date

SEP 21 2011

Judge, Civil Court

ENTERED  
BROOKLYN COUNTY

Page 43

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-----X  
NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.,

Index No. 42539/11  
File 14033

Plaintiff,

-against-

MILLINGTON ROSEMARY,  
[REDACTED] 0519

**AFFIDAVIT OF  
INVESTIGATOR**

Defendant(s).

-----X

STATE OF NEW YORK )  
                          )SS.:  
COUNTY OF WESTCHESTER )

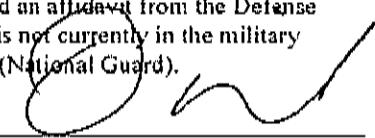
I am over 18 years of age, am not a party to this action and reside in Westchester County, State of New York.

I have been requested by Kavulich & Associates, P.C. attorney's for the Plaintiff, to make an investigation to ascertain if the Defendant Millington, Rosemary, is at the present time in military service for the purpose of entry of judgment.

On September 22, 2011, I Denise Miranda, contacted the Defense manpower Data Center concerning the Defendant Millington Rosemary's military status.

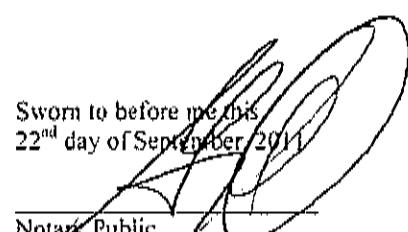
I inputted the Defendant's name and social security number, as provided by the Defendant him/herself, into the Defense Manpower Data Center.

Under the Defendant's social security number I received an affidavit from the Defense Manpower Data Center stating that the said Defendant is not currently in the military service of the United States and the State of New York (National Guard).

  
Denise Miranda

Sworn to before me this  
22<sup>nd</sup> day of September 2011

Notary Public

  
Notary Public  
Gary Kavulich  
Notary Public- State of New York  
No. 02KA6205615  
Qualified in Westchester County  
My Commission Expires 05/11/2013

Department of Defense Manpower Data Center

Sep-22-2011 12:20:10



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
ROSEMARY	MILLINGTON		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*Mary M. Snavely-Dixon*

---

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq., as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects active duty status including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

Department of Defense Manpower Data Center

Sep-22-2011 12:20:29



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
MILLINGTON	ROSEMARY		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*Mary M. Snavely-Dixon*

---

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

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If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects active duty status including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service's SCRA points-of-contact.

Indicates

*More information on "Active Duty Status"*

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

*Coverage Under the SCRA is Broader in Some Cases*

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:Q3V5OJSBNE

d exte

***More information on "Active Duty Status"***

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

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Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

**WARNING:** This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:AL6B0CTOEAE

order to

OVIG

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-----X  
NOVICK, EDELSSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.,

Plaintiff,

INDEX NO. 42539/11  
FILE NO. 14033

-against-

MILLINGTON ROSEMARY,

Defendant(s).

NOTICE OF ENTRY

PLEASE TAKE NOTICE, that annexed hereto is the Decision and Order duly  
Entered in the office of the Clerk of the Court on the 21<sup>st</sup> day of September, 2011

Dated: Westchester, NY  
September 23, 2011

Yours, etc.,

Kavulich & Associates, PC  
181 Westchester Avenue, Suite 500C  
Port Chester, NY 10573

To: Millington Rosemary  
532 Morris Park Avenue, Apt. 2  
Bronx, NY 10460

1.

## Civil Court of the City of New York

County of BRONXPart 34, No. 11

REINHOLD EDELSSTEIN

Claimant(s)/Plaintiff(s)/Petitioner(s)  
againstREINHOLD EDELSSTEIN  
Defendant(s)/Respondent(s)Index Number 42534/11

Motion Cal. # \_\_\_\_\_ Motion Seq. # \_\_\_\_\_

File #

## DECISION/ORDER

14033

Recitation, as required by CPLR §2219 (a), of the papers  
considered in the review of this Motion

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	_____
Order to Show Cause and Affidavits Annexed.....	_____
Answering Affidavits.....	_____
Replying Affidavits.....	_____
Exhibits.....	_____
Other.....	_____

Upon the foregoing cited papers, the Decision/Order on this Motion for DefaultJudgment is as follows:Plaintiff's motion is granted upon Defendant's  
default.Plaintiff is awarded a judgment in  
the amount of \$ 1,475.00 plus costs, fees,  
disbursements & interest from January 31,  
2007.The Clerk of the Court is directed to  
enter judgment in said amount.Plaintiff shall file & serve upon Defendant  
a copy of this decision & notice of its entry  
by certified mail, set record within 30 days  
of this decision.This constitutes the Decision & Order of the

COURT	Civil Court of the City of New York	
9/21/11	SEP 21 2011	Judge, Civil Court
Date		
ENTERED		HON. FRANCIS M. TAPIA
BRONX COUNTY		

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX  
-----X  
NOVICK, EDELSTEIN, LUBELL, REISMAN,  
WASSERMAN & LEVENTHAL, P.C.,  
Plaintiff,  
-----X  
against-  
MILLINGTON ROSEMARY,

Index No. 42539/11  
File No. 14033

AFFIDAVIT OF SERVICE  
BY MAIL.

Defendant.  
-----X

STATE OF NEW YORK  
COUNTY OF WESTCHESTER ss:

Denise Miranda being duly sworn, deposes and says:

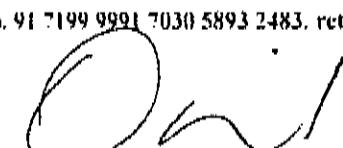
I am over 18 years of age and not a party to this action. On September 23, 2011

I served the within Notice of Entry on the defendant in this action, by depositing

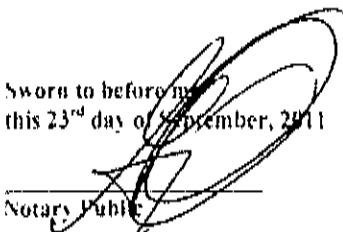
a true copy of the Notice of Entry in a postpaid envelope addressed to:

Millington Rosemary  
532 Morris Park Avenue, Apt. 2  
Bronx, NY 10460

in an official depository under the exclusive care and custody of the United States Postal Service,  
within the State of New York via Certified mail no. 91 7199 9991 7030 5893 2483, return receipt  
requested.

  
Denise Miranda

Sworn to before me  
this 23<sup>rd</sup> day of September, 2011

  
Notary Public

GARY KAVULICH  
NOTARY PUBLIC-STATE OF NEW YORK  
NO. 02K A6205615  
QUALIFIED IN WESTCHESTER COUNTY  
MY COMMISSION EXPIRES 5/1/2013

ENCL # NO. 41839 YEAR 2011

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

Please take notice that the within is a  
certified true copy of a  
staff noticed in the office of the clerk of  
the within named, sworn on

Dated:

ATTENTION: CLERK

Attorneys for Plaintiff  
Office and Post Office Address:

Dated:

Attorneys for Plaintiff

PLEASE take notice that an order  
of which the within is a true copy will be presented  
for settlement to the Hon  
one of the judges in the within named court at

on

dated

Yours etc =

Attn:

Attorneys for Plaintiff  
Office and Post Office Address:

Re  
Attorneys for Plaintiff

ENCL # NO. 41839 YEAR 2011

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

NOV 28, 2011 F.H. RIFSMAN, P.C.  
WASSERMAN & FINESTRA, P.C.  
Plaintiff  
-against-

ATTENTION: CLERK

Rec'd/initials)

NOTICE OF ENTRY

Signature of Plaintiff

Gary Kavlich, Esq.

Kavlich & Associates, P.C.

Attorneys for Plaintiff  
Office and Post Office Address, Telephone  
181 Westchester Avenue, Suite 500C  
Port Chester, NY 10573  
914-355-2674

To

Attorneys for

Service of a copy of the within is hereby admitted  
Dated

Attorneys for

**State of New York, County of Bronx  
Civil Court of the City of New York Civil Part**

Novick, Edelstein, Lubell, Reisman, Wasserman &  
Leventhal, P.C.

-against-  
Millington Rosemary

Plaintiff(s)

Defendant(s)

Index Number: CV-042539-11/BX

**SUBPOENA TO TESTIFY**

Requested by:  
Millington Rosemary  
532 Morris Park Avenue  
Apt 2  
Bronx, NY 10460

**THE PEOPLE OF THE STATE OF NEW YORK**

To: **MARBLE GARCIA**

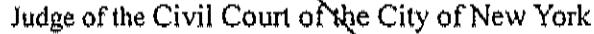
We Command that you lay aside all business and excuses and appear and attend before the Honorable Judge presiding at the Civil Court of the City of New York County of Bronx located at **851 Grand Concourse, Bronx, NY 10451** June 4, 2013 in Part 11 - Self Represented Non-Jury 503 at 9:30 AM or such other time as this case may be adjourned [CPLR 2305(a)], to testify and give evidence in the action now pending in this Court, to be tried between the parties indicated above, on the part of Millington Rosemary.

Failure to comply with a subpoena may be punishable as contempt of court and/or make you liable for a penalty not exceeding **ONE HUNDRED FIFTY DOLLARS (\$150.00)** and damages sustained by the person on whose behalf the subpoena was issued (CPLR 2308).

Date: April 30, 2013

  
Carol Alt  
CHIEF CLERK  
Carol Alt  
Chief Clerk

If required, So Ordered:

  
Judge of the Civil Court of the City of New York

CIVIL COURT OF THE CITY OF NEW YORK  
County of BRONX Part 34

Index No. 702539/11

Novick Edelstein et al  
Plaintiff(s),  
-against-  
Rosemary Mullington  
Defendant(s).

STIPULATION  
OF SETTLEMENT

Civil Court  
of the  
City of New York  
FEB 26 2013  
ENTERED  
BRONX COUNTY

It is hereby stipulated and agreed by and between the parties that the above-referenced action is settled as follows:

- ① Defendant's motion is granted to the extent that the judgment and all execution measures are vacated.
- ② Defendant's Proposed Answer, as attached to her motion, is hereby deemed served and filed.

The Clerk shall place this matter on the appropriate calendar. \*Defendant's address is 1693 Watson Ave, P1, Bronx, NY 10472

ATO 2/26/13  
Signature Plaintiff's Attorney Date

R. Mullington 2/26/13  
Signature Rosemary Mullington Date

Signature Date

Signature Date

Page 1 of 1 dated 2/26/2013

## Appearances are Mandatory

Index Number: CV-042539-11/BX



Part of the City of New York  
City of Bronx Part 39

Novick, Edelstein, Lubell, Reisman, Wasserman &  
Leventhal, P.C.  
-against-  
Millington Rosemary

34. (4A)

## ORDER TO SHOW CAUSE

To restore case to the calendar, and vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

UPON the annexed affidavit of Millington Rosemary, sworn to on February 11, 2013, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

Bronx Civil Court  
851 Grand Concourse  
Bronx, NY 10451

Part 34C Room 504

on February 26 2013 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the calendar, deeming the proposed answer filed and/or dismissing the action if warranted, and/or granting such and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):  
(Judge to Initial)

by Personal Service by "In Hand Delivery"  
 by Certified Mail, Return Receipt Requested  
 by First Class Mail with official Post Office  
 Certificate of Mailing

on or before February 15 2013, shall be deemed good and sufficient

Sheriff or Marshal:  
(Judge to Initial)

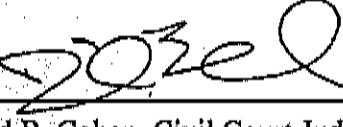
by Personal Service by "In Hand Delivery"  
 by Certified Mail, Return Receipt Requested  
 by First Class Mail with official Post Office  
 Certificate of Mailing

Mail to Attorney:  
Kavulich & Associates PC  
(Counsel for Pltf),  
at 181 Westchester Avenue,  
Suite 500C,  
Port Chester, NY 10573

Sheriff/Marshal:  
NYC Marshal  
Biegel, Stephen, Marshal  
109 W 38 Street  
Suite 200  
New York, NY 10018-3615

February 11, 2013

DATE

  
Hon. David B. Cohen, Civil Court Judge (NYC)

Mar 4 2013  
JG

City of New York, County of Bronx

Index # CV-042539-11/BX

Edelstein, Lubell, Reisman, Wasserman &  
 Roth, P.C.  
 -against-  
 Millington Rosemary

Affidavit in support of an order to show cause to  
 restore case to the calendar, vacate any judgment,  
 liens and income executions on this defendant on  
 this Index number,  
 allow proposed answer or dismissing the action

State of New York, County of New York:

Millington Rosemary, being duly sworn, deposes and says:

(Defendant's initials)

1.  a) I am the Party named as (Defendant)(Respondent) in the above titled action

2.  a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to # 4]

b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b,  
 skip #3, #4, #5, and go to #6]

a Notice of Default Judgment mailed to me

a Restraining Notice on my bank account.

a copy of an Income Execution served on

with marshal's notice dated 8/27/12

Other: pay has been garnished from last 2 pay periods

3.  a) I did not appear and answer in the Clerk's Office because:[NOTE: if you complete # 3a, skip and go to #6].

b) I did not appear and answer in the Clerk's Office

and I received a date for trial.

but the answer was entered late

Other:

4. On the Date of Trial before Judge/Arbitrator

a stipulation(a written agreement) was made between claimant/plaintiff and defendant.

a judgment was entered after the trial.

a judgment was entered against me by default for my failure to appear.

Other:

5. My reason for not

complying with the stipulation is

following the order of the Court is

appearing in court on the date scheduled for trial is

Other:

6.  I allege that I have a good defense because:

7.  a) I have not had a previous Order to Show Cause regarding this index number.

b) I have had a previous Order to Show Cause regarding this index number but I am making this application  
 because:

8.  I request that the Judgment be vacated, that the case be restored to the calendar and that the answer be deemed  
 timely filed.

Sworn to before me this day February 11, 2013

  
 Court Asst

Signature of Court Employee and Title

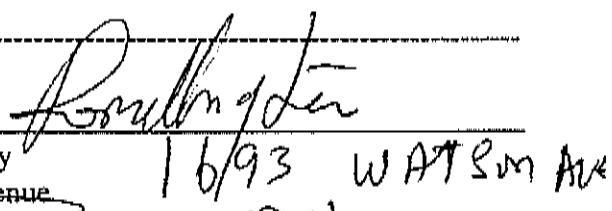
(Sign Name)

Millington Rosemary

532 Morris Park Avenue

Apt 2

Bronx, NY 10460

  
 16/93 WATSON AVE  
 PH  
 BX NY 10472

Defendant, Millington Rosemary, at 532 Morris Park Avenue, Apt 2, Bronx, NY 10460 answers the Complaint as follows:

*Check all that apply)*

1  General Denial: I deny the allegations in the complaint

**SERVICE**

2  I did not receive a copy of the summons and complaint

**BRONX COUNTY**

3  I received the Summons and Complaint, but service was not correct as required by law

**CIVIL COURT**

**DEFENSES**

4  I do not owe this debt

REC'D 2/6/2013

5  I did not incur this debt. I am the victim of identity theft or mistaken identity.

**RECEIVED**

6  I have paid all or part of the alleged debt.

7  I dispute the amount of the debt.

8  I do not have a business relationship with Plaintiff. ( Plaintiff lacks standing.)

9  The NYC Department of Consumer Affairs shows no record of plaintiff having a license to collect a debt.

10  Plaintiff does not allege a debt collection license number in the Complaint.

11  Statute of Limitations ( the time has passed to sue on this debt: more than six years.)

12  The debt has been discharged in bankruptcy.

13  The collateral (property) was not sold at a commercially reasonable price.

14  Unjust enrichment (the amount demanded is excessive compared with the original debt.)

15  Violation of the duty of good faith and fair dealing.

16  Unconscionability (the contract is unfair.)

17  Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage.)

18  Defendant is in the military.

19  Other: I don't know the plaintiff and I don't reside at this address

**OTHER** I own my own home and am not a tenant.

20 Please take notice that my only source of income is \_\_\_\_\_, which is exempt from collection.

**COUNTERCLAIM**

21 Counterclaim(s):\$ \_\_\_\_\_ Reason: \_\_\_\_\_

**VERIFICATION**

State of New York, County of Bronx ss:

Millington Rosemary, being duly sworn, deposes and says: I am the Defendant in this proceeding. I have read the Answer in Writing Consumer Credit Transaction and know the contents thereof to be true to my own knowledge except as to those matters stated on information and belief, and as to those matters I believe them to be true

FEB 11 2013

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
01 . court ASST

X Rosemary  
Defendant

CV 042539 -11

## Civil Court of the City of New York

CV-042539-11/BX  
 Novick, Edelstein, Lubell, Reisman,  
 Wasserman & Leventhal, P.C.  
 -against-  
 Millington Rosemary

Comments	Notes
4/30/2013 - Adj	12/2/13 - bis continued w/o prejudice
4-30-13 - <del>Motion to Dismiss</del> 6/4/13 Trial	by His Attorney
	12-2-13
HON. JOSEPH CAPELLA	<i>Joseph Capella, Jr.</i>
Aug 6 16/13 @ 9:30 AM Trial	
It's continued adj. until as trial imminent and available date postponed. A valid subpoena for any witness shall be issued - with the trial.	
9/25/13 C.R. Trial	
12/3/13 Trial 9:30	

## FELONY WARNING:

A person who willfully and unlawfully removes, mutilates, destroys, conceals or obliterates a record of this office is subject to punishment by imprisonment for five years (Penal Law § 175.19)